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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,211	07/30/2001	Tim Goldstein	10007825	2139

7590

07/11/2003

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

PERKEY, WILLIAM B

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application N . 09/918,211	Applicant(s) GOLDSTEIN, TIM	
	Examin r William B. Perkey	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-31 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-19, 23, 24, 28, 30, 31 and 36-47 is/are allowed.
- 6) ☒ Claim(s) 1, 20-22, 25-27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12, 13</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 20-22, 25-27,29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ishibashi (U.S. Patent No. 6,558,051 B1).

Ishibashi shows a camera indicated by reference numeral 1 in Fig. 1; a plurality of physiological sensors by reference numerals 8, 4 and 13-16 in Fig. 2; and a controller causing the camera to capture an image based on the detected physiological responses by reference numeral 5 in Fig. 2. In particular note column 6 lines 6-12. Thus, claims 20, 21 are fully met by Ishibashi. Note that steps 120, 125, 130, 135, 140, 145, 155, 160, 165 take different routes according to the detected excitement level of the camera wearer. Thus, claim 22 is met by Ishibashi. Note that in column 6 lines 6-12, the low power consumption mode is disclosed as a non-shooting mode. Thus, an image is captured only when the camera wearer is in a higher excitement level and the camera is switched to the high power consumption mode. Thus, claims 25-27,29 are fully met by Ishibashi.

### ***Allowable Subject Matter***

3. Claims 1-3,5-19,23,24,28,30,31,36-47 are allowed. The primary reason for allowance of claims 1,12,15,17 is the claim limitation for a plurality of sensors positioned adjacent to an eye

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of a user to detect a plurality of different involuntary physiological responses occurring within a particular time period to trigger an electronic device to perform a particular task. The primary reason for allowance of claims 2,3,5-9,18,19 is the claim limitation for a plurality of sensors positioned adjacent to an eye of a user to detect a plurality of different involuntary physiological responses and to transmit these signals to a controller to determine a value of excitement level and controlling an electronic device based on the determined excitement level. The primary reason for allowance of claims 10,11,14 is the claim limitation for a sensor positioned adjacent to an eye detecting a physiological response having a switch that is positioned within a path of movement of an eyelid. The primary reason for allowance of claims 13,16,23,24,28 is the claim limitation for a contact lens with a physiological response sensor generating an output that controls a camera. The primary reason for allowance of claims 36-38 and 42-44 is the claim limitation for a contact lens with a photodetector that controls an electronic device according to the amount of pupil dilation. The primary reason for allowance of claims 39-41 and 45-48 is the claim limitation for a contact lens with a photodetector detecting the blink of an eye to control an electronic device.

### **Telephone Numbers**

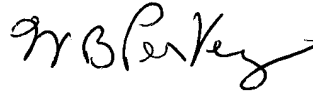
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (703) 308-1708. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'W B Perkey', with a long horizontal stroke extending to the right.

William B. Perkey  
Primary Examiner  
Art Unit 2851

WBP:wbp  
July 2, 2003